

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In re:

**HOSPITAL DAMAS, INC.**

Debtor

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Case No: 10-08844 (MCF)

Chapter 11

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**UNITED STATES TRUSTEE'S POSITION REGARDING EMPLOYMENT  
APPLICATIONS OF ATTORNEY AND ACCOUNTANT FOR DEBTOR**

**TO THE HONORABLE COURT:**

COMES NOW Donald F. Walton, the United States Trustee for Region 21 (the "United States Trustee"), and through the undersigned counsel respectfully states and prays as follows:

**Procedural Background**

1. On September 27, 2010, Debtor filed an *Application for Appointment of Attorney for Debtor* and an *Application for Appointment of Financial Consultant for Debtor* pursuant to 11 U.S.C. §327 seeking to obtain authorization to retain Charles A. Curprill, Esq., and Luis R. Carrasquillo, CPA, respectively (herein collectively referred to as the "Applications") (Dkts #7 and #8).

2. In the Applications, Debtor stated as follows:

In light of the professional services to be rendered in the short term and the nature of this case, it is requested that Carrasquillo be allowed to file its applications for interim compensation every sixty days from its appointment as Debtor's accountant.<sup>1</sup>

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<sup>1</sup>In the application of attorney Cuprill, where it reads "Carrasquillo" it reads "Cuprill", and where it reads "Debtor's accountant" it reads "Debtor's legal representative".

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**United States Trustee's Position**

3. Pursuant to §331 of the Bankruptcy Code, interim compensation of professionals may be applied "not more than once every 120 days after an order for relief... or more often if the court permits.." 11 U.S.C. §331.

4. The United States Trustee respectfully submits that Debtor's simple and broad allegation of "In light of the professional services to be rendered in the short term and the nature of this case" does not warrant the reduction of the term provided in §331.<sup>2</sup> The absence of specific facts and/or circumstances should act against said reduction which shall be the exception not the general rule.

5. As per the information available at this time, the United States Trustee has no objection to the approval of the Applications.

6. However, and for the reasons stated above, the United States Trustee respectfully objects to the approval of the reduction of the term provided in §331.

**WHEREFORE**, the United States Trustee respectfully requests that this Honorable Court take note of the above and enter such further relief as deemed just and proper.

**CERTIFICATE OF SERVICE**

**I DO HEREBY CERTIFY** that on this day I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

CHARLES ALFRED CUPRILL

cacuprill@aol.com, ccuprill@cuprill.com;  
docket@cuprill.com;  
luis@cpacarrasquillo.com

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<sup>2</sup>The United States Trustee has become aware that same and identical language has been used before in other bankruptcy cases either by the same and/or other professionals.

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**I DO HEREBY FURTHER CERTIFY** that on this same date a true and exact copy of the foregoing has been sent by regular United States mail to the Debtor, **Hospital Damas, Inc.**, through its Chief Financial Officer, **Julio Colón**, 2213 Ponce By Pass, Ponce, PR 00717.

DATED: September 28, 2010.

**DONALD F. WALTON**

United States Trustee for Region 21

**MONSITA LECAROSZ ARRIBAS**

Assistant United States Trustee

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**(Electronically Filed)**

By: s/ José Carlos Díaz-Vega

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Trial Attorney

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